

*REMARKS/ARGUMENTS**Present Invention and Pending Claims*

The present invention relates to 2-amino-6-benzyloxypurine methanolate, crystals thereof, and method of preparation thereof. Claims 4 and 6-9 are pending.

Amendments to the Claims

Claims 6-9 have been amended to limit the compound to the methanolate form of 2-amino-6-benzyloxypurine. These amendments are supported by the specification at, for example, page 5, lines 3-8 and 13-19, and Examples 1-4. Claims 8 and 9 also have been amended to clarify the recited method step, as supported by the specification at, for example, page 4, line 24, through page 5, line 19. Claims 1-3, 5, and 10-12 have been canceled. No new matter has been added by way of these amendments.

Summary of the Office Action

The Office Action indicates that claim 4 is allowable. Claims 1-3 and 5-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 00/08025 (Leanna et al.) ("Leanna 1"), U.S. Patents 6,184,376 (Leanna et al.) ("Leanna 2"), 5,352,669 (Moschel et al.), and 4,801,710 (MacCoss et al.) ("MacCoss 1"), Spassova et al. (*Collection of Czechoslovak Chemical Communications*, 59(5): 1153-1174 (1994)), MacCoss et al. (*Tetrahedron Letters*, 26(15): 1815-1818 (1985)) ("MacCoss 2"), and Bzowska et al. (*Z. Naturforsch.*, 54c: 1055-1067 (1999)). Claims 1-3 and 5-12 also stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,414,112 (Buchardt et al.). Reconsideration of the pending claims is hereby requested.

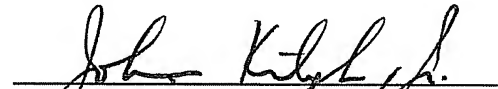
Discussion of the Anticipation Rejections

Claims 1-3 and 5-12 allegedly are anticipated by Leanna 1, Leanna 2, Moschel et al., MacCoss 1, MacCoss 2, Spassova et al., Bzowska et al., and Buchardt et al. Claims 1-3, 5, and 10-12 have been canceled. Claims 6-9 have been amended to recite the subject matter of claim 4, which the Examiner has indicated is allowable. Accordingly, the anticipation rejections should be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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